

### **REMARKS/ARGUMENTS**

The non-final Office Action of July 24, 2007 has been carefully reviewed and these remarks are Applicant's response thereto. Claims 19, 22-34, 36-41, and 45-51 are pending. Claims 1-18, 20-21, 35 and 42-44 are cancelled without prejudice or disclaimer. Claims 19, 21-24, 28, 29, 34-39, 41 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,006,265 to Rangan *et al.* (Rangan) in view of Applicant's specification in view of U.S. Patent No. 6,332,127 to Bandera *et al.* (Bandera). Claims 25-27, 30-33 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rangan in view of U.S. Patent in view of Applicant's specification in and in further view of Bandera and in further view of U.S. Patent No. 6,198,9335 to Saha *et al.* (Saha). In response, Applicant respectfully traverses the rejection in view of the remarks that follow.

#### **New Claim**

Claim 52 is new and is directed to the features disclosed in method claim 19, thus no new matter was added.

#### **Amended Claims**

Claims 19, 28, 34, 36, 41, 50 and 51 were amended to simplify the preamble of the claims and to clarify the intended scope and/or to provide antecedent basis for certain terms. No new matter was added.

#### **Rejections under 35 U.S.C § 103(a)**

The pending claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent No. 6,006,265 to Rangan *et al.* (Rangan) in view of of U.S. Patent No. 6,332,127 to Bandera *et al.* (Bandera) based on Applicant's disclosure, alone or in combination with U.S. Patent No. 6,198,9335 to Saha *et al.* (Saha).

As an initial matter, the Office Action has suggested the Applicant's background teaches the recited portion of the specification. This is incorrect; the cited portion of the specification the Office Action is attempting to use against Applicant is found in the Summary of the Invention. Applicant respectfully submits that such citation is improper as the advantage taught by

Applicant's specification cannot be fairly used against Applicant. In other words, to use Applicant's discovery against Applicant is contrary to the accepted rule that Applicant's own work may not be used against Applicant.

In addition, the combination of references still fails to support a *prima facie* cause of obviousness. To the extent it can be considered proper to do so, which Applicant respectfully submits is not the case here, Applicant's specification can at most be used to show that at the time of filing it was known that 3G type systems provide higher bandwidth and thus a 3G type system might be suitable for functionality that requires high bandwidth. This knowledge in combination with the cited references, however, fails to support the rejection made.

For example, claim 19 recites two features, the combination of which is not disclosed in the cited references. One feature relates to providing video in the mobile terminal "wherein the video is received via the digital broadcasting network." The other feature is, in response to a selection of a link in the video being provided via the digital broadcasting network, "enabling the mobile terminal to display the related content, the related content being provided over the mobile communication network." To the extent the Examiner believes it would be obvious to provide the links disclosed by Rangan over the 3G network (which is apparently being read as the digital broadcasting network), there is no suggestion for using the feature "enabling the mobile terminal to display the related content, the related content being provided over the mobile communication network" in conjunction with the disclosure provided in Rangan. This is because Rangan teaches to modify delivery over the digital broadcast network rather than use two networks. *See* Rangan, col 19, ln. 58 – col 20, ln 14. Thus, the disclosure of Rangan suggests that when additional functionality is provided (such as, for example, functionality associated with an embedded link), the existing network is used and algorithms for managing the bandwidth of the existing network are developed. For example, Rangan discloses that when providing commercials, the commercials may be provided in a staggered manner so as to minimize bandwidth requirements. Rangan, Col. 19, ln. 58 – Col. 20, ln. 14. Therefore, a person of skill in the art would at most have been motivated to manage the bandwidth of the 3G network and provide the related content associated with the link over the 3G network, as disclosed by Rangan.

In contrast, claim 19 recites the features of two networks, as discussed above. One possible advantage of the system according to claim 19 is that it allows a one-to-many broadcast over the digital broadcast network that includes links embedded in the broadcast, where the one-to-many broadcast could potentially use most of the available bandwidth by providing video, while allowing the user to receive additional content via that telecommunication network, which can be a one-to-one connection that does not affect the bandwidth available on the digital broadcast network. As noted above, such a method is contrary to the disclosure provided by Rangan. The addition of Bandera does not help because there is no suggestion in any of the cited references for providing the recited functionality of providing the “enabling the mobile terminal to display the related content, the related content being provided over the mobile communication network” while providing “video ... via the digital broadcasting network.” Therefore, the rationale for why it would be obvious to provide the recited features based on the combination of Rangan and Bandera lacks support and is inconsistent with what is taught by Rangan. In other words, even if it could somehow be considered proper to use Applicants’ specification and discoveries against Applicants, the rationale for combining the references is incomplete as the combination fails to show all the features of claim 19.

The other pending claims either depend from claim 19 or recites features similar to the features discussed above with respect to claim 19. Therefore, all pending claims are patentable for at least the reasons that claim 19 is patentable and for the additional features recited therein.

Accordingly, Applicant respectfully request withdrawal of this ground of rejection.

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### **CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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